

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**CHRISTOPHER GLENN
DEGRACIA LUCAS,**

Plaintiff,

v.

Case No. 6:23-cv-224-ACC-LHP

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

This cause is before the Court on the Commissioner’s Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g) With Reversal and Remand of the Cause to the Social Security Administration (Doc. 20) filed on August 2, 2023. The Commissioner seeks a remand for the Administrative Law Judge (“ALJ”) to offer Plaintiff a new hearing once he has had the opportunity to examine medical records obtained post-hearing, complete the record, and issue a new decision.¹ (*Id.*).

The United States Magistrate Judge has submitted a report recommending that the Unopposed Motion be **GRANTED**. After an independent *de novo* review of the

¹ Plaintiff, who was significantly injured in a motorcycle accident in March 2020, was not represented by counsel at the hearing on March 29, 2022, and the administrative record does not indicate that 293 pages of Orlando VA Medical Center records from 2018 through 2022, obtained by the ALJ post-hearing, were proffered to Plaintiff. (*See* Doc. 17).

record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation (Doc. 21).

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed August 3, 2023 (Doc. 21) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Commissioner's Unopposed Motion for Entry of Judgment with Remand under Sentence Four of 42 U.S.C. § 405(g) With Reversal and Remand of the Cause to the Social Security Administration (Doc. 20) is hereby **GRANTED**.


3. The final decision of the Commissioner of Social Security denying Plaintiff's claim for a period of disability and Disability Insurance Benefits is **REVERSED** under sentence four of 42 U.S.C. §405(g), and the case **REMANDED** to permit the Commissioner to issue a new decision based on the following:

On remand, the Appeals Council will instruct the Administrative Law Judge to: (1) provide plaintiff the opportunity to examine post-hearing evidence in accordance with HALLEX I-2-7-1; (2) offer Plaintiff the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision.

4. The Clerk is **DIRECTED** to enter a judgment accordingly.

5. The Clerk is directed to terminate all other pending motions as moot, and thereafter **CLOSE** the file.

DONE and **ORDERED** in Orlando, Florida on August 23, 2023.


ANNE C. CONWAY
United States District Judge

Copies furnished to:

Counsel of Record